30

**HIGH COURT OF CHHATTISGARH AT BILASPUR**

**CIVIL REVISION NO.24 OF 2007**

**Single Bench:** **Hon'ble Shri Dilip Raosaheb Deshmukh, J.**

| | |
|---|---|
| **APPLICANT PLAINTIFF** | **Maangi Lal** aged about 71 years S/o Shri Champa Lal Jain; Occupation Farming and Shop Keeper, R/o Tuteli-Kala Teh. Chhuikhadan; Dist. Rajnandgaon (Chhattisgarh) |
| | **Versus** |
| **NON-APPLICANT DEFENDANT** | **Gangu Ram** aged about 47 years S/o Patwari @ Bhagirathi Tandon R/o Village Seetadabri; Presently Residing in Shyampur Tahsil Chhuikhadan; Dist. Rajnandgaon (Chhattisgarh) |

**CIVIL REVISION U/S 115 OF THE CODE OF CIVIL PROCEDURE, 1908**

**Present**:-
Shri R.N.Jha, counsel for the appellant.

**ORAL ORDER**
(Passed on 20th June, 2007)

Heard on admission.

(2) A suit for recovery of Rs.15,000/- towards cost of grains and cloth supplied to the defendant was dismissed by the Civil Judge Class-I, Khairagarh vide judgment and decree dated 28-04-2005 in Civil Suit No.11-B of 2003. Civil Appeal No.3-B of 2005 was also dismissed by the Additional District Judge, Khairagarh, District Rajnandgaon vide judgment and decree dated 17-11-2006.

(3) Both the Courts below have held that although grains were advanced to the defendant on 18-06-2001 yet on that day no document was got executed. On 17-08-2001, a document was got executed showing loan of grains and clothes worth Rs.900/- to the defendant.

31

(4) Both the Courts below on proper appreciation of evidence held that the document got executed by the defendant on 17-08-2001 is highly suspicious document. No reason has been assigned as to why the receipt was not executed on the date of advancement of loan of grains. The plaintiff has admitted in his testimony that on 13-03-2001, the defendant had returned Rs.900/- towards the cost of cloth borrowed from the plaintiff. No explanation was offered as to why this was not endorsed on the receipt Ex.P.1. The conclusion drawn by both the Courts below is based on proper appreciation of evidence and does not call for any interference in exercise of revisional jurisdiction.

(5) In the result, the Civil Revision being without substance is dismissed at the stage of admission.

**Sd/-**
**Dilip Raosaheb Deshmukh**
**Judge**